

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 20-24 are pending in this application. Claims 16-19 are canceled without prejudice or disclaimer and new Claims 20-24 are added. No new matter is added.

In the outstanding Official Action, Claim 16 was rejected under 35 U.S.C. 101; Claims 16-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting; Claims 16-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Kim et al. (U.S. Patent No. 6,421,499, hereinafter Kim).

With regard to the rejection of Claim 16 under 35 U.S.C. §101, Claim 16 is canceled, making the present rejection moot. It is respectfully noted that new Claim 20 recites that the reproducing device accesses the second area to reproduce the still picture video file. Accordingly, it is respectfully requested that new Claim 20 is in compliance with all requirements under 35 U.S.C. §101.

MPEP §2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP §2106 provides,

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, based on the clear language of this section, Claim 20 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP §2106 also states that,

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. §101 is moot. However, if the rejection under U.S.C. §101 is to be maintained against new Claim 20, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

With regard to the provisional non-statutory double patenting rejection of Claims 16-19 in view of U.S. Patent Application No. 10/800,681, Claims 16-19 are canceled making this rejection moot. To the extent that U.S. Patent Application No. 10/800,681 is relevant to new Claims 20-24, the provisional rejection is respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

With regard to the rejection of Claim 16-19 under 35 U.S.C. §102(b) as anticipated by Kim, Claims 16-19 are canceled making this rejection moot. To the extent that the cited reference is relevant to new Claims 20-24, the following remarks are respectfully submitted for the Examiner's consideration.

Claim 20 recites in part:

...

at least one of said playlist search pointers includes,
program chain number information of a playlist
corresponding to the one of said playlist search pointers, said
program chain number information including a program chain
number corresponding to one user defined program chain
managed by the user defined PGC information,
...

Kim describes a method for creating and managing presentation order information in a recording medium. Figure 1 of Kim shows a user defined PGC search pointer (UD_PGC_SPR). However, it is respectfully submitted that the description of the user defined PGC search pointer in Kim¹ does not teach or suggest that the user defined PGC search pointer includes program chain number information of the playlist corresponding to the pointer, much less a program chain number corresponding to one user defined program chain managed by the user defined PGC information. Consequently, it is respectfully submitted that Kim does not teach or suggest the “playlist search pointers” recited in Claim 20. Thus, Claim 20 is believed to be patentable over Kim.

New Claim 21 is dependent from Claim 20 and is thus patentable over Kim for at least the reasons discussed above with respect to Claim 20. In addition, Claim 21 recites subject matter which is believed to further define over Kim.

New Claim 21 recites in part, “the medium is configured to include a sub-picture stream including bitmap data, and one of said still picture VOB entries is configured to store information indicating whether the sub-picture stream is included.”

As discussed above, Kim describes a method for creating and managing presentation order information in a recording medium. Kim does not describe that any of the described items recorded on the medium include bitmap data. Accordingly, it is respectfully submitted that Kim does not teach or suggest “the medium is configured to include a sub-picture stream including bitmap data, and one of said still picture VOB entries is configured to store

¹See Kim, column 4, line 50 to column 5, line 7 and column 5, line 62 to column 6, line 8.

information indicating whether the sub-picture stream is included," as recited in Claim 21.

Accordingly, Claim 21 is further patentable over Kim.

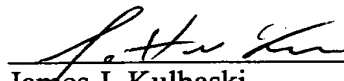
New Claims 22-24 recite similar elements to Claim 20. Accordingly, Claims 22-24 are patentable over Kim for at least the reasons discussed above with respect to Claim 20.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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